

★ MAR 03 2017 ★

LONG ISLAND OFFICE

SDD/AAS:SK/JAM
F.#2016R01828

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

ELVIS REDZEPAGIC,

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

TO BE FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN
SUPPORT OF
APPLICATION FOR
ARREST WARRANT

(18 U.S.C. §§ 2339B(a)(1) and
2339B(d))

MJ - 17 0199

MIKE ZELLER, being duly sworn, deposes and states that he is an Investigator with the United States Attorney's Office for the Eastern District of New York, duly appointed according to law and acting as such.

In or about and between July 2015 and October 2016, both dates being approximate and inclusive, within the Eastern District of New York and the extraterritorial jurisdiction of the United States, the defendant ELVIS REDZEPAGIC, together with others, did knowingly and intentionally attempt to provide material support and resources, as defined in Title 18, United States Code, Section 2339A(b), including personnel, including himself, to one or more foreign terrorist organizations, to wit: the Islamic State of Iraq and al-Sham (hereinafter "ISIS") and al-Nusrah Front, which at all relevant times have been designated by the Secretary of State as foreign terrorist organizations, knowing that the organizations were designated terrorist organizations and the organizations had engaged in and were engaging in terrorist activity and terrorism, and the defendant was a national of the United States (as

defined in section 101(a)(22) of the Immigration and Nationality Act), and after the conduct required for this offense occurred, the defendant was found in the United States, the offense occurred in whole and in part within the United States, and the offense occurred in and affected interstate and foreign commerce.

(Title 18, United States Code, Sections 2339B(a)(1) and 2339B(d))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am an Investigator with the United States Attorney's Office for the Eastern District of New York and have been since 2005. I have been assigned to the New York Joint Terrorism Task Force ("JTTF"). As an Investigator, I have investigated numerous matters during the course of which I have conducted physical surveillance, interviewed witnesses, executed court-authorized search warrants and used other investigative techniques to secure relevant information.

2. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, and from reports of other law enforcement officers involved in the investigation. Where the content of documents or statements are recounted herein, they are done so in pertinent part and in sum and substance, unless otherwise indicated.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

A. ISIS

3. ISIS is a foreign terrorist organization that, since 2013, has claimed credit for numerous terrorist activities, including seizing Mosul, a city in northern Iraq, launching rocket attacks on eastern Lebanon in March 2014, the November 2015 terrorist attacks in Paris, France, and the March 2016 suicide bombings in Brussels, Belgium, among many others. These terrorist activities are part of ISIS's broader goal of forming an Islamic state or "caliphate"² in Iraq and Syria. On October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qaeda in Iraq as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL"). The Secretary also added the following aliases to the ISIS listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the ISIS listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

² "Caliphate" is a term that can be used to refer to ISIS's self-proclaimed system of religious governance, with Abu Bakr al-Baghdadi as the caliphate's self-proclaimed leader.

B. Al-Nusrah Front

4. Al-Nusrah Front, also known as Jabhat al-Nusrah, is a Syrian-based foreign terrorist organization that, since November 2011, has claimed credit for numerous terrorist activities, including several suicide bombing attacks in Syria, and publicly stated on the internet, "We are Syrian mujahideen, back from various jihad fronts to restore God's rule on Earth and avenge the Syrians' violated honor and spilled blood." Al-Nusrah Front seeks the establishment of an Islamic state in Syria and has labeled the United States and Israel as "enemies of Islam." Since 2012, Al-Nusrah Front operated as an official branch of the global terrorist group al-Qaeda. In July 2016, al-Nusrah Front declared itself completely independent from al-Qaeda and announced that its new name would be Jabhat Fateh al-Sham. On December 11, 2012, the United States Secretary of State designated al-Nusrah Front as an FTO under Section 219 of the Immigration and Nationality Act as an alias for al-Qaeda in Iraq. On May 7, 2014, the Secretary of State designated the al-Nusrah Front as an FTO independent of its prior association with al-Qaeda in Iraq. To date, al-Nusrah Front remains a designated FTO.

C. REDZEPAGIC's Travel to Attempt to Join an FTO

5. The defendant ELVIS REDZEPAGIC is a 26-year-old citizen of the United States who currently resides in Commack, New York. Based on REDZEPAGIC's statements to law enforcement officers, social media messages, and other independent evidence, REDZEPAGIC traveled to the Middle East to attempt to join ISIS or al-Nusrah Front.

6. On or about February 2, 2017, Suffolk County police officers arrested REDZEPAGIC for a violation in Suffolk County, New York. Subsequent to

REDZEPAGIC's arrest, agents from JTTF were notified. That same day, REDZEPAGIC was advised of his Miranda rights by JTTF agents and waived them, after which REDZEPAGIC participated in an interview with law enforcement agents. The next day, REDZEPAGIC was released into the custody of law enforcement agents for presentment on a state warrant for a misdemeanor offense in Brooklyn, New York. Upon the warrant being vacated, REDZEPAGIC was released on his own recognizance. REDZEPAGIC voluntarily agreed to continue speaking with law enforcement agents. REDZEPAGIC was again advised of his Miranda rights by JTTF agents and waived them, after which REDZEPAGIC participated in another interview with law enforcement agents.

7. During the Mirandized interviews with JTTF investigators on February 2 and February 3, 2017 (the "JTTF interviews"), REDZEPAGIC stated, in sum and substance and in part, that: REDZEPAGIC became a devout Muslim while in Montenegro. He believed his cousin ("Foreign Fighter 1") was a member of ISIS or the al-Nusrah Front and the commander of a battalion in Syria. REDZEPAGIC had previously seen graphic photographs of dead U.S. military personnel and caskets covered with American flags posted to Foreign Fighter 1's Facebook page and knew Foreign Fighter 1 to be a follower of Abu Bakr Al-Baghdadi.

8. On January 6, 2015, international media reported that Foreign Fighter 1, who has been identified by law enforcement, was fighting in Syria, posted pictures from the battlefield on his Facebook page, and posted comments on Facebook promoting jihad. One of the January 6, 2015 articles featured a photograph depicting three ISIS fighters. During the JTTF interviews, REDZEPAGIC identified one of the fighters in the photograph to be

Foreign Fighter 1. In the photograph, Foreign Fighter 1 is wearing camouflage clothing and carrying an assault rifle.

9. REDZEPAGIC further stated, in sum and substance and in part, that: In or about 2015, REDZEPAGIC wanted to join Foreign Fighter 1 in Syria and began communicating with Foreign Fighter 1, who instructed REDZEPAGIC to travel to Turkey. Foreign Fighter 1 further instructed REDZEPAGIC to contact him when he arrived in Istanbul so that Foreign Fighter 1 could send someone to facilitate REDZEPAGIC's entrance into Syria. REDZEPAGIC then booked a flight from Montenegro to Amsterdam with a layover in Istanbul. REDZEPAGIC remained in Istanbul for approximately seven days and traveled towards the Syrian border, ultimately arriving in the city of Adana in southern Turkey. There, REDZEPAGIC made several unsuccessful attempts to obtain help and cross the border into Syria. Specifically, REDZEPAGIC stayed at a mosque and received several free cab rides to the border with Syria, after which he was directed to a border wall manned by military personnel. REDZEPAGIC was instructed not to cross at that location, and instead was told to make a two-day trip through a wooded area into Syria. Unable to communicate with Foreign Fighter 1, frustrated by the lack of assistance he was receiving, and unable to enter Syria, REDZEPAGIC left Turkey and returned to the United States.

10. A review of airline reservation records, bank records, business records, and records from U.S. Customs and Border Protection ("CBP") corroborate REDZEPAGIC's admissions. Specifically, travel records reveal that on July 3, 2015, REDZEPAGIC was booked on a flight from Podgorica, Montenegro to Amsterdam, the Netherlands, with a layover in Istanbul. Then, on July 4, 2015, REDZEPAGIC was booked on another flight from Podgorica, Montenegro, this time to John F. Kennedy International Airport in Queens,

New York ("JFK"), again with a layover in Istanbul, Turkey. On July 7, 2015, REDZEPAGIC was booked on a flight from Istanbul, Turkey to JFK, which he did not board. Finally, on July 10, 2015, REDZEPAGIC traveled from Frankfurt, Germany to JFK on Lufthansa Airlines Flight No. 404. Based on my knowledge, training, and experience, Turkey is a common transit point to obtain entry into Syria. Many citizens of Western countries who have traveled from the United States and Europe to join ISIS or al-Nusrah Front in Syria have followed the route of entering Turkey legally and then being smuggled by facilitators across the border into Syria.

11. During the JTTF interviews, REDZEPAGIC stated that he was attempting to enter Syria to engage in jihad, which REDZEPAGIC stated could take many forms beyond simply active warfare or violence. REDZEPAGIC further stated that, at the time he attempted to enter Syria from Turkey, he was prepared to strap a bomb on and sacrifice himself for jihad. REDZEPAGIC stated that fighting in Syria was different than committing a terrorist attack in the United States and that he did not want to harm "innocent" people. REDZEPAGIC was unable, however, to answer when asked who would qualify as an innocent person. Later during the JTTF interviews, REDZEPAGIC claimed that he wanted to travel to Syria in order to "feed the children," though also stating that if he admitted to JTTF investigators that his true intentions were to join ISIS, he expected that he would go to jail.

12. During the JTTF interviews, REDZEPAGIC expressed admiration for Anwar al-Awlaki. Anwar Al-Awlaki was an Islamic lecturer and a leader of Al-Qaeda in the Arabian Peninsula ("AQAP"), a Yemen-based designated FTO that has claimed responsibility for terrorist acts against targets in the United States, Saudi Arabia, Korea and Yemen since its

inception in January 2009. Pursuant to a Presidential Executive Order, Al-Awlaki was designated by the United States as a "Specially Designated Global Terrorist" on July 12, 2010. Al-Awlaki was reportedly killed in Yemen in September 2011.

13. During the JTTF interviews, REDZEPAGIC stated that he was still in possession of the laptop computer that he used while on the trip to Turkey described above (supra ¶ 9). REDZEPAGIC voluntarily provided written consent for law enforcement agents to search the laptop and REDZEPAGIC's cellular telephone. On or about February 3, 2017, REDZEPAGIC went to his residence, retrieved the laptop and cellular telephone, and provided them to investigators. In an abundance of caution, agents also obtained a warrant to search the laptop and cellular telephone. While executing the search, agents determined that the laptop contained, among other files, numerous maps of Syria and Turkey. The cellular telephone contained a file entitled "nasheed for jihad." Based on my knowledge, training, and experience, and consultation with other law enforcement officers who investigate terrorism crimes relating to Islamic extremism, I know that a nasheed is an inspirational Islamist hymn; nasheeds are frequently featured in ISIS and al-Nusrah Front propaganda and recruitment videos.

14. During the JTTF interviews, REDZEPAGIC indicated that he was the user of a Facebook account ("Facebook Account 1"). REDZEPAGIC voluntarily provided written consent for law enforcement agents to access Facebook Account 1. In an abundance of caution, agents also obtained a warrant to search Facebook Account 1. Records obtained from Facebook revealed that Facebook Account 1 was registered under the name "Elvis Redzepagic," with REDZEPAGIC's date of birth and photographs of REDZEPAGIC included as profile photographs. Records obtained from Facebook also revealed that

REDZEPAGIC sent the following communications using Facebook Account 1 in October 2015:³

- a. On or about October 13, 2015, REDZEPAGIC sent a message using Facebook Account 1 to another individual, stating: "I read alot about jihad"; "And shariah law"; "Its self explanatory you fight for the sake of God."
- b. On or about October 13, 2015, REDZEPAGIC sent a message using Facebook Account 1 to another individual, stating: "since i got back from turkey from trying to perform Jihad and join Jabhat Al Nusra the cia has been bothering me"; "Its annoying but i out smarted them."
- c. On or about October 14, 2015, REDZEPAGIC sent a message using Facebook Account 1 to another individual, stating: "Support the martors that are sheding blood for the sake of Allah every drop gets there sins forgivin. Also there musk smells of blood if you read some things i can show you that tells about the Mujahideen in El Sham and how there taking over theres many hadiths all authentic that tell yoi whats happened and whats happening and whats going to happen." Based on my knowledge, training, experience, and consultation with an Arabic linguist, "Mujahideen" is a reference to individuals engaged in violent jihad (fighting in the name of Islam) and "El Sham" is a reference to Syria.
- d. On or about October 14, 2015, REDZEPAGIC sent a message using Facebook Account 1 to another individual, stating: "i just dont like this country"; "Listen once the Qur'an is no more and your time is up itll be to late this life is alony worldy

³ All communications from REDZEPAGIC that are detailed in this paragraph are quoted verbatim, including typographical errors.

adornments the Hereafter is better”; “there come a time where people will only know to say Allahu Akbar”; “Jihad is the best for u sister trust me u have to believe in the eternal those that die for the sake of Allah get to be green birds under Allahs Arsh throne.” Based on the context of the conversation, I understand “this country” to refer to the United States. Based on my consultation with an Arabic linguist, “Allahu Akbar” is Arabic for “God is great” and “Arsh” is Arabic for “throne.”

e. On or about October 17, 2015, REDZEPAGIC sent a Facebook message using Facebook Account 1 to another individual, stating: “I’m trying to go over there”; “Or Syria InnShaaAllah.”

15. During the JTTF interviews, REDZEPAGIC further stated, in sum and substance and in part, that: In August of 2016, REDZEPAGIC traveled to Amman, Jordan with the idea of crossing the border into Syria. While in Jordan, REDZEPAGIC was approached by Jordanian officials, who queried him as to why he was attempting to travel to Syria. REDZEPAGIC reported that he responded that he wished to matriculate into an Arabic language program. REDZEPAGIC was stopped by Jordanian officials, returned to the United States, and was debriefed by CBP officials upon his return to the United States.

16. A review of airline reservation records and CBP records revealed that REDZEPAGIC traveled from JFK to Amman, Jordan on August 6, 2016, on Royal Jordanian Airlines Flight No. 262, and returned from Amman to JFK on August 13, 2016, on Royal Jordanian Airlines Flight No. 261. Upon his arrival at JFK from Amman, CBP officers interviewed REDZEPAGIC. During the CBP interview, REDZEPAGIC stated in sum and substance and in part, that he had traveled to Jordan alone, with no family, friends, or ties to Jordan, and the purpose of this travel was to learn Arabic. CBP officers also conducted a

border examination of an electronic device in REDZEPAGIC'S possession and discovered several downloaded files including, "Commanders of the Muslim Army," "The Jinn and Human Sickness," "Jihad in the Quran & Sunnah," and "The Religious and Moral Doctrine of Jihad." REDZEPAGIC told CBP officers that he had downloaded the foregoing files approximately two years earlier.

17. After his February 2, 2017, arrest by police officers in Suffolk County, New York, REDZEPAGIC told the officers, "I'm going to leave this country and I'm going to come back with an Army — Islam is coming."

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant ELVIS REDZEPAGIC, so that he be dealt with according to law. I further request that this affidavit and the arrest warrant be filed under seal as disclosure of this application would give the target of the investigation an opportunity to destroy evidence, harm or threaten victims or other witnesses, change patterns of behavior, notify confederates, and flee from or evade prosecution.



MIKE ZELLER

Investigator

United States Attorney's Office, EDNY

Sworn to before me this
3rd day of March, 2017

THE HONORABLE STEVEN I. LOCKE
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK